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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,458	01/02/2002	Raymond Anthony Joao	RJ450	6587

7590 09/10/2003  
RAYMOND A. JOAO, ESQ.  
122 BELLEVUE PLACE  
YONKERS, NY 10703

EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/032,458

Applicant(s)  
Raymond Anthony Joao

Examiner  
Pierre E. Elisca

Art Unit  
3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01/02/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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**Examiner Pierre Eddy Elisca**  
**United States Department of Commerce**  
**Patent and Trademark Office**  
**Washington, D.C. 20231**

**DETAILED ACTION**

1. This Office action is in response to Application No. 10/032,458, filed on 01/02/2002.
2. Claims 1-20 are pending.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 1-20 are rejected under 35 U.S.C. 102 (e) as being anticipated by Kolls (U.S. pat. No. 6,604,085).

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As per claims 1, 6-11, and 13-20 Kolls discloses a universal advertising and payment system for networking, monitoring and controlling electronic commerce and vending equipment, comprising: a memory device for storing at least one of account information, account billing information, account statement information, marketing information, advertising information, and promotional information (see., abstract, col 26, lines 39-44, col 32, lines 22-32, specifically wherein it is stated the DII processing to bill a customer and can select advertising and other marketing advertisements from a database or local database);

a processor for detecting the generation of at least one of an account bill, an account billing statement, an account statement, and an account correspondence, wherein the processor at least one of identifies and selects at least one of marketing materials, advertising materials, and promotional materials, to be provided with the at least one of an account bill, an account billing statement, an account statement, and an account correspondence, and further wherein the processor generates the at least one of marketing materials, advertising materials, and promotional materials (see., abstract, col 4, lines 46-65, col 22, lines 7-25, specifically wherein said advertisement can be target marketed to a selected..., fig 13); and

an output device for outputting the at least one of marketing materials, advertising materials, and promotional materials (see., abstract, col 5, lines 19-34, item printer 104, col 4, lines 46-65, col 22, lines 7-25).

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As per claims 2, 5, and 12 Kolls discloses the claimed limitations wherein the at least one of marketing materials, advertising materials, and promotional materials, contains information regarding at least one of good, a product, a service, information, and a subscription for at least one of good, a product, a service, information, a magazine, a newspaper, and a periodical (see., abstract, col 4, lines 46-65, col 22, lines 7-25, it is inherent to realize that the vending machine of Kolls can also accept and display newspaper, magazine and a periodical).

As per claims 3, and 4 Kolls discloses the claimed limitations wherein the processor generates the at least one of an account bill, an account billing statement, an account statement, and an account correspondence, and further wherein the output device outputs the at least one of an account bill, an account billing statement, an account statement, and an account correspondence (see., abstract, col 4, lines 46-65, col 22, lines 7-25, specifically wherein said advertisement can be target marketed to a selected..., fig 13

***Conclusion***

5. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM. to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

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**Any response to this action should be mailed to:**

Commissioner of patents and Trademarks

Washington, D.C. 20231

The Official Fax Number For TC-3600 is:

**(703) 305-7687**

  
Pierre Eddy Elisca

Patent Examiner

**August 29, 2003**